

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation
Against:

ANNA WEI HUANG

Registered Nurse License No. 581022
Public Health Nurse Certificate No. 63820,

Respondent.

Agency Case No.: 2007-290

OAH No.: L2007120106

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective August 25, 2008.

IT IS SO ORDERED July 24, 2008.

BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By LaTranene W Tate

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PROPOSED DECISION

Daniel Juárez, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on April 9, 2008, in Los Angeles, California.

Scott J. Harris, Deputy Attorney General, represented Ruth Ann Terry, M.P.H., R.N., (Complainant) Executive Officer, Board of Registered Nursing (the Board).

Anna Wei Huang (Respondent) represented herself.

At hearing, Complainant amended the Accusation, by adding a sixth cause for discipline, alleging that Respondent engaged in unprofessional conduct in violation of Business and Professions Code section 2761, subdivision (a).

The parties submitted the matter for decision on April 9, 2008.

FACTUAL FINDINGS

1. On or about January 31, 2008, Complainant, acting in her official capacity, filed the First Amended Accusation. Respondent filed a timely Notice of Defense and Special Notice of Defense.

2. Complainant contends Respondent's misdemeanor conviction involving alcohol and her admitted use of illegal drugs provide the bases for the revocation of her registered nursing license and public health nurse certificate. Therefore, Complainant seeks the revocation of Respondent's license and certificate and the reasonable costs of the Board's investigation and enforcement actions in pursuing this matter.

3. Respondent contends she is rehabilitated from her conviction involving alcohol, and thus, does not merit revocation of her license and certificate. Respondent further contends that, in truth, she never used illegal drugs, though she acknowledged she had previously admitted such use to the Board. In light of this contention, Respondent argues she should not be disciplined for drug use she alleges did not occur.

3. The Board issued registered nurse license number 581022 to Respondent on May 18, 2001, and public health nurse certificate number 63820 on July 18, 2001; they both expire on October 31, 2008, unless renewed.

4. On September 5, 2002, the Los Angeles County Superior Court, in case number 2DW02319, convicted Respondent of violating Vehicle Code section 23152, subdivision (b) (driving with a .08 percent, or greater, blood alcohol level), a misdemeanor. The court suspended the imposition of Respondent's sentence and placed her on three years of summary probation.

5. The terms and conditions of probation included, among other terms, paying a fine of \$1,419 or performing 173 hours of community service (the evidence did not establish which term Respondent completed, but the evidence supported a conclusion that Respondent successfully completed her criminal probation). The court also ordered Respondent to obey all laws and orders of the sentencing court, complete a three-month first offender drinking program, and restricted Respondent's driving, for 90 days, to and from work, during work, and to and from the first offender program.

6. The facts underlying the conviction were that, on March 21, 2002, Respondent drove in Downey, California while drunk.

7. Based on this conviction, Respondent agreed to participate in the Board's diversion program, in or about January 2004. However, in addition to the alcohol use that led to her conviction, Respondent also admitted to the Board's diversion personnel that she used drugs in 2003 and 2004. Specifically, during the diversion program's intake assessment, in September 2003, Respondent admitted she had previously tested positive for amphetamine use. On January 30, 2004, Respondent admitted to smoking amphetamines and using crystal methamphetamines, at least three days a week, for a one year period. On January 31, 2004, Respondent admitted using crystal methamphetamine seven times. On February 18, 2004, Respondent admitted using methamphetamines five times. The evidence did not establish whether her admissions on January 31, and February 18, 2004 involved separate uses of methamphetamines.

8. While in the diversion program, on July 8, 2006, Respondent's urine sample tested positive for methamphetamines. At hearing, Respondent contested the drug test's accuracy. She argued that she had given a urine sample earlier, on July 6, 2006, that showed no methamphetamines in her system. Respondent argued that she could not have ingested as much methamphetamine between July 6 and July 8, 2006, as would be required for the July 8, 2006 test results to be accurate. Respondent reasoned that the July 8, 2006 test result had to be faulty. Respondent proffered evidence that she took a urine test on July 6, 2006, but that evidence did not establish the test results of that earlier test or her assertions as to the amount of

methamphetamines found in her system on July 8, 2006. Thus, Respondent presented insufficient evidence to support her argument. Respondent also argued that she never used drugs, and only made such admissions to qualify for the diversion program. Respondent explained that she falsely admitted to using drugs to ensure she would qualify for diversion, as she feared her one-time conviction for drunk driving would not qualify her for the diversion program. Respondent further explained she understood, that if she completed diversion, the Board would not place her license and certificate on probation, and upon her successful completion of diversion, her drug and alcohol admissions would be erased from her record with the Board. Respondent asserted that she chose diversion to evade probationary status (a status she felt would be too embarrassing), and ensure a clean record in the future. The evidence did not support Respondent's version of the facts.

9. In August 2006, Respondent stopped sending monthly self-reports and failed to attend mandatory therapy sessions, both requirements of participating in the Board's diversion program. On September 14, 23, 24, and October 26, 2006, Respondent failed to call the drug testing phone line, as required.

10. On November 14, 2006, the Board ordered Respondent to admit herself into an in-patient dual diagnosis treatment program within two weeks or be discharged from diversion as a public risk. On November 28, 2006, Respondent refused to go to the ordered treatment and asked to withdraw from diversion. On November 30, 2006, the Board's Diversion Evaluation Committee terminated Respondent from the diversion program, citing Respondent as a public risk. The Committee based its action on what it described as "her [July 8, 2006] relapse, her repeated failure to undergo required treatment, and her long history of missed random body-fluid calls and tests."

11. The Board incurred \$6,408 in costs to investigate this matter through the California Department of Consumer Affairs, Division of Investigation, and \$8,972.25 in costs to prosecute this matter through the California Department of Justice, Office of the Attorney General. In his declaration, Complainant's counsel asserted that the prosecution costs totaled \$9,195 through April 7, 2008; however, the Board's own certification of costs and Complainant's counsel's billing summary, as proffered, established the total through April 3, 2008, was \$8,972.25. There was no competent evidence establishing legal work completed after April 3, 2008.

LEGAL CONCLUSIONS

The Law

1. Business and Professions Code section 490 states:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime if the crime is substantially related to the qualifications, function, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any

action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

2. Business and Professions Code section 2750 states in pertinent part:

Every certificate holder or licensee . . . may be disciplined as provided in this article.

3. Business and Professions Code section 2761 states in pertinent part:

The board may take disciplinary action against a certified or licensed nurse . . . for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

[§] . . . [§]

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it.

[§] . . . [§]

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

4. Business and Professions Code section 2762 states in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

[§] . . . [§]

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section.

5. Business and Professions Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

6. Business and Professions Code section 125.3, subdivision (a), states in pertinent part:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7. California Code of Regulations, title 16, section 1444, states in pertinent part:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

8. California Code of Regulations, title 16, section 1445, states in pertinent part:

[¶] . . . [¶]

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

Discussion

9. Respondent's conviction for driving with a blood alcohol level of .08 or greater is substantially related to the qualifications, functions, and duties of a licensed registered nurse. Driving with a legally significant amount of alcohol in her system established Respondent's present and potential unfitness to practice, as a registered nurse, in a manner consistent with the public health, safety, and welfare. Therefore, Respondent's conviction is substantially related to a registered nurse's qualifications, functions, and duties, and provides cause for revocation. (Bus. & Prof. Code, §§ 2761, subds. (a) & (f), 2762, subds. (b) & (c), 2765; and Cal. Code Regs., tit. 16, § 1444.)

10. Respondent's admitted drug use provided similar concern for Respondent's fitness to practice in a manner consistent with the public health, safety, and welfare. Therefore, her drug use is also substantially related to a registered nurse's qualifications, functions, and duties, and provides cause for revocation. (Bus. & Prof. Code, §§ 2761, subd. (a), 2762, subd. (b).)

11. Respondent argued that she was rehabilitated from her alcohol-related conviction, but she provided no evidence to support that argument. Respondent presented no evidence that she had changed her ways, stopped drinking alcohol, understood the wrongful nature of drinking and driving, nor did she state, or otherwise show, any remorse for the conviction. As to her drug use, Respondent argued that she made such admissions untruthfully, to ensure her participation in the Board's diversion program. Respondent's assertion that she has never taken drugs conflicts with the July 8, 2006 positive drug test result. Respondent provided no competent evidence to support her argument that the July 8, 2006 test result was inaccurate. Moreover, her explanation, that she admitted drug use to qualify for diversion and thereby elude probation, was not credible. Respondent provided no evidence of rehabilitation relating to drug use. Saliently, in asserting that she never used drugs, she did not express an understanding that lying to the Board's diversion personnel, if one were to accept her version of the truth, was wrongful. It is true that six years have passed since her single conviction (Cal. Code Regs., tit. 16, § 1445, subds. (b)(2) & (b)(3)), and she completed her criminal probation. (Cal. Code Regs., tit. 16, § 1445, subds. (b)(4).) However, there was no evidence to support a conclusion that Respondent is

not a risk to the public as a licensed registered nurse, given her conviction, admissions to the Board, and her failure to complete the diversion program.

12. Respondent's transgressions provide further cause for discipline, pursuant to Business and Professions Code sections 2761, subdivision (d), for violations of the statutory provisions governing registered nurses, and for general unprofessional conduct. (Bus. & Prof. Code, § 2761, subd. (a).)

13. Complainant's costs of investigation and enforcement were fair, reasonable, and just, pursuant to Business and Professions Code section 123.5. Respondent proffered no evidence that she was financially unable to pay the costs for which Complainant prayed. Therefore, it is appropriate to award Complainant her costs, payable upon Respondent's future request for reinstatement, if any.

14. Complainant pled cause for discipline pursuant to Business and Professions Code sections 490, among other statutory sections. While the evidence established cause under the other statutory sections noted herein, no cause is found under section 490. In *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, the Court of Appeals held that Business and Professions Code section 490 "does not provide independent statutory authorization to suspend or revoke the license of a person based on his or her conviction of a crime." (*Petropoulos, supra*, 142 Cal.App.4th at 567.) Thus, in accordance with *Petropoulos*, the authority to revoke Respondent's license and certificate comes from the cited Nursing Practice Act provisions; section 490 cannot independently sustain such cause.

Conclusions

15. Cause exists to revoke or suspend Respondent's registered nurse license and public health nurse certificate, for her misdemeanor conviction, pursuant to Business and Professions Code sections 2750, 2761, subdivisions (a) and (f), 2762, subdivisions (b) and (c), and 2765, as set forth in Factual Findings 1-6, and Legal Conclusions 2-5, 7-9, 11, and 12.

16. Cause does not exist to revoke or suspend Respondent's registered nurse license and public health nurse certificate, for her misdemeanor conviction, pursuant to Business and Professions Code section 490, as set forth in Factual Findings 1-6, and Legal Conclusions 1 and 14.

17. Cause exists to revoke or suspend Respondent's registered nurse license and public health nurse certificate, for her use of a controlled substance, pursuant to Business and Professions Code sections 2750, 2761, subdivision (a), and 2762, subdivision (b), as set forth in Factual Findings 1-3, 7-10, and Legal Conclusions 2-5, 7-8, 10, and 11.

18. Cause exists to revoke or suspend Respondent's registered nurse license and public health nurse certificate, for violations of the Nursing Practice Act, pursuant to Business and Professions Code sections 2750, 2761, subdivision (d), as set forth in Factual Findings 1-10, and Legal Conclusions 2-12.

19. Cause exists to revoke or suspend Respondent's registered nurse license and public health nurse certificate for general unprofessional conduct, pursuant to Business and Professions Code sections 2761, subdivision (a), as set forth in Factual Findings 1-10, and Legal Conclusions 2-12.

20. Cause exists to award costs, pursuant to Business and Professions Code section 125.3, as set forth in Factual Findings 1-11, and Legal Conclusions 2-19.

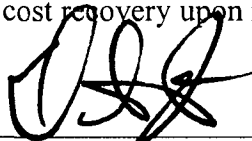
ORDER

1. Registered nurse license number 581022, issued to Respondent Ann Wei Huang, is revoked.

2. Public health nurse certificate number 63820, issued to Respondent Ann Wei Huang, is revoked.

3. If and when Respondent's license is reinstated, she shall pay \$15,380.25 to the Board, for its costs associated with the investigation and enforcement of this matter, pursuant to Business and Professions Code Section 125.3. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

Dated: May 7, 2008



DANIEL JUAREZ
Administrative Law Judge
Office of Administrative Hearings

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the First Amended Accusation
Against:

Case No. 2007-290

12 ANNA WEI HUANG
13 742 Marylie Lane
14 Walnut, CA 91789

**FIRST AMENDED
ACCUSATION**

15 Registered Nurse License No. 581022
Public Health Nurse Certificate No. 63820

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this First Amended
21 Accusation solely in her official capacity as the Executive Officer of the Board of Registered
22 Nursing (Board), Department of Consumer Affairs.

23 2. On or about May 18, 2001, the Board issued Registered Nurse License No.
24 581022 to Anna Wei Huang (Respondent). Further, the Board issued Public Health Nurse
25 Certificate No. 63820 to Respondent on or about July 18, 2001. The Registered Nurse License
26 and Public Health Nurse Certificate were in full force and effect at all times relevant to the
27 charges brought herein and both will expire on October 31, 2008, unless renewed.

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1 7. Section 2762 of the Code states:

2 “In addition to other acts constituting unprofessional conduct within the meaning
3 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
4 under this chapter to do any of the following:

5

6 “(b) Use any controlled substance as defined in Division 10 (commencing with
7 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
8 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to himself or herself, any other person, or the public or to the extent that such use
10 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
11 license.

12 “(c) Be convicted of a criminal offense involving the prescription, consumption,
13 or self-administration of any of the substances described in subdivisions (a) and (b) of this
14 section, or the possession of, or falsification of a record pertaining to, the substances described in
15 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
16 thereof.”

17 8. Section 2770.11 states:

18 “(a) Each registered nurse who requests participation in a diversion program shall
19 agree to cooperate with the rehabilitation program designed by a committee. Any failure to
20 comply with the provisions of a rehabilitation program may result in termination of the registered
21 nurse's participation in a program. The name and license number of a registered nurse who is
22 terminated for any reason, other than successful completion, shall be reported to the board's
23 enforcement program.

24 “(b) If a committee determines that a registered nurse, who is denied admission
25 into the program or terminated from the program, presents a threat to the public or his or her own
26 health and safety, the committee shall report the name and license number, along with a copy of
27 all diversion records for that registered nurse, to the board's enforcement program. The board
28 may use any of the records it receives under this subdivision in any disciplinary proceeding.”

1 9. Section 2765 states:

2 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
3 made to a charge substantially related to the qualifications, functions and duties of a registered
4 nurse is deemed to be a conviction within the meaning of this article. The board may order the
5 license or certificate suspended or revoked, or may decline to issue a license or certificate, when
6 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or
7 when an order granting probation is made suspending the imposition of sentence, irrespective of
8 a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such
9 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the
10 verdict of guilty, or dismissing the accusation, information or indictment.”

11 10. Section 490 of the Code states:

12 “A board may suspend or revoke a license on the ground that the licensee has
13 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
14 duties of the business or profession for which the license was issued. A conviction within the
15 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
16 contendere. Any action which a board is permitted to take following the establishment of a
17 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
18 been affirmed on appeal, or when an order granting probation is made suspending the imposition
19 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
20 Penal Code.”

21 11. California Code of Regulations, title 16, section 1444, states:

22 “A conviction or act shall be considered to be substantially related to the
23 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
24 present or potential unfitness of a registered nurse to practice in a manner consistent with the
25 public health, safety, or welfare.”

26 12. Section 125.3 of the Code provides, in pertinent part, that the Board may
27 request the administrative law judge to direct a licentiate found to have committed a violation or
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violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCE

13. Methamphetamine is a Schedule II controlled substance as defined in Health and Safety Code section 11055 subdivision (d)(2) and is characterized as a dangerous drug pursuant to section 4022 of the Code.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

14. Respondent has subjected her license to disciplinary action under sections 2750, 2761, subdivision (f), 2765 and 490 of the Code, in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of a crime which is substantially related to the qualifications, functions and duties of a licensed registered nurse, as follows:

a. On or about September 5, 2002, Respondent was convicted by the Court on a plea of guilty to one count of violating Vehicle Code section 23152, subdivision (b), a misdemeanor, (driving with .08% or higher of blood alcohol) in the Municipal Court, County of Los Angeles, Case No. 2DW02319, entitled *The People of the State of California v. Anna W. Huang*.

b. The circumstances surrounding the conviction are that on or about March 21, 2002, Respondent was involved in an incident with her boyfriend outside his place of residence. When the Downey Police arrived and spoke with Respondent, they determined that Respondent had driven her car to the location while under the influence of alcohol.

SECOND CAUSE FOR DISCIPLINE

(Conviction Involving Alcohol)

15. Respondent is subject to disciplinary action under sections 2750, 2761, subdivision (a), and 2762, subdivision (c), of the Code, in that Respondent was convicted of a crime involving alcohol, as more fully set forth in paragraph 14, above.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Dangerous Use of Alcohol)

3 16. Respondent is subject to disciplinary action under sections 2750, 2761,
4 subdivision (a), and 2762, subdivision (b), of the Code, in that Respondent administered alcohol,
5 in a manner dangerous or injurious to herself, any other person, or the public, in that Respondent
6 was convicted of driving with a blood alcohol level of .08% or higher, as more fully discussed in
7 paragraph 14, above; and, enrolled in the Board of Registered Nursing's Diversion Program for
8 alcohol and methamphetamine abuse, as more fully discussed in paragraph 17, below.

9 FOURTH CAUSE FOR DISCIPLINE

10 (Use of Controlled Substance)

11 17. Respondent is subject to disciplinary action under sections 2750, 2761,
12 subdivision (a), and 2762, subdivision (b), in that Respondent used a controlled substance,
13 methamphetamine, to an extent or in a manner dangerous or injurious to herself, any other
14 person, or the public, or to the extent that such use impaired her ability to conduct with safety to
15 the public the practice authorized by her Registered Nurse License. The circumstances are as
16 follows:

17 a. Respondent entered the Board of Registered Nursing's Diversion Program
18 on or about January 13, 2004 for the treatment of alcohol and methamphetamine abuse. In the
19 course of Respondent's diversion program treatment, Respondent admitted using
20 methamphetamine on several occasions prior to her Diversion Program sobriety date in February
21 2004. Among other requirements prescribed by the Diversion Program, Respondent was
22 required to undergo random body fluid testing (RBFT), through Compass Vision, who she was to
23 call on a daily basis. Further Respondent was required to submit monthly self reports, attend
24 daily alcoholics/narcotics anonymous meetings, and undergo treatment for psychological and
25 drug related issues with a psychiatrist. Respondent was terminated from the diversion program
26 on or about November 30, 2006 for the reasons below, and was deemed by the Diversion
27 Committee to be a public safety risk.

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1 1. On or about July 8, 2006 Respondent was subject to an RBFT, and
2 tested positive for methamphetamine. The diversion program deemed this as a relapse.

3 2. Respondent failed to comply with RBFTs on or about August 29
4 and 30, 2006, and failed to telephone Compass Vision on or about September 14, 23 and 25,
5 2006, and October 26, 2006.

6 3. On or about August 23, 2007, Respondent was ordered by the
7 Diversion Committee to contact a new psychiatrist, Dr. Susan Shroeder, for therapy and
8 medication treatment. As of her termination from the Diversion Program, Respondent had failed
9 to comply with the Diversion Committee's order.

10 4. Respondent failed to sign and turn in her monthly Diversion
11 Program Recovery Contract for the months of July, August and November of 2006.

12 5. Respondent failed to turn into the Diversion Committee her
13 monthly self reports, and her attendance cards for alcoholics/narcotics anonymous between
14 August and October 2006.

15 FIFTH CAUSE FOR DISCIPLINE

16 (Violation of Act)

17 18. Respondent is subject to disciplinary action pursuant to sections 2750 and
18 2761, subdivision (d), in that Respondent violated the provisions or terms of the Nursing Practice
19 Act, or regulations adopted pursuant to it, as more fully discussed in paragraphs 14 through 17,
20 above.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License No. 581022, issued to
25 Anna Wei Huang.


26 2. Revoking or suspending Public Health Nurse Certificate No. 63820, issued
27 to Anna Wei Huang.

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1 3. Ordering Anna Wei Huang to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 4. Taking such other and further action as deemed necessary and proper.

5
6 DATED: 1/31/02

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8 
9 RUTH ANN TERRY, M.P.H., R.N.
10 Executive Officer
11 Board of Registered Nursing
12 Department of Consumer Affairs
13 State of California
14 Complainant
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